

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



YVONNE BAILEY-LYNCH,

Plaintiff,

v.

20-CV-1610 (JLS) (MJR)

DOLLAR TREE STORES, INC.,

Defendant.

DECISION AND ORDER

Plaintiff Yvonne Bailey-Lynch commenced this action against Defendant Dollar Tree Stores, Inc., in November 2020, alleging numerous employment discrimination claims. Dkt. 1. After Defendant twice moved to dismiss, Plaintiff's sole remaining claim is her race discrimination claim under Title VII on a failure-to-promote theory. *See* Dkt. 38, at 4.

Defendant moved for judgment on the pleadings, pursuant to Federal Rule of Civil Procedure 11(c), arguing that Plaintiff failed to exhaust administrative remedies regarding her remaining claim. Dkt. 43. Plaintiff opposed that motion (Dkt. 54), and Defendant replied (Dkt. 50; Dkt. 55).

On May 22, 2024, Judge Roemer issued a Report and Recommendation ("R&R"),¹ recommending that this Court deny Defendant's motion for judgment on

¹ On April 30, 2021, the Court referred the case to United States Magistrate Judge Michael J. Roemer, for all pretrial matters, pursuant to 28 U.S.C. §§ 636(b)(1)(A)–(C). Dkt. 11.

the pleadings. Dkt. 57. Neither party objected to the R&R, and the time to do so has expired. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2).

A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A district court must conduct a *de novo* review of those portions of a magistrate judge's recommendation to which a party objects. *See* 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(3). But neither 28 U.S.C. § 636 nor Federal Rule of Civil Procedure 72 requires a district court to review the recommendation of a magistrate judge to which no objections are raised. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985).

Though not required to do so here, this Court nevertheless reviewed Judge Roemer's R&R. Based on that review, and absent any objections, the Court accepts and adopts the R&R.

For the reasons stated above and in the R&R, the Court DENIES Defendant's motion for judgment on the pleadings (Dkt. 43). The Court refers the case back to Judge Roemer for further proceedings, consistent with the referral order at Dkt. 11. SO ORDERED.

Dated: June 28, 2024
Buffalo, New York



JOHN L. SINATRA, JR.
UNITED STATES DISTRICT JUDGE